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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91163556
Party	Defendant Shaun N.G. Hughes Shaun N.G. Hughes 2815 Wetmore Avenue Everett, WA 98201
Correspondence Address	James R. Uhler Christensen O'Connor Johnson Kindness PLL 1420 Fifth Avenue Suite 2800 Seattle, WA 98101-2347
Submission	Applicant's Motion to Strike the Declaration of Stephen C. Lee, Esq.
Filer's Name	James R. Uhler
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Signature	/James R. Uhler/
Date	09/28/2005
Attachments	Mot to Strike.pdf (2 pages)

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2 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
3 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

4 Target Brands, Inc. ,

5 Opposer,

6 v.

7 Shaun N.G. Hughes,

8 Applicant.

Opposition No. 91163556

9 **APPLICANT'S MOTION TO STRIKE THE DECLARATION**
10 **OF STEPHEN C. LEE, ESQ.**

11 Applicant Shaun N.G. Hughes hereby moves the Board for entry of an order striking
12 the declaration of Stephen C. Lee, Esq. which was filed in support of Target Brands, Inc.'s
13 opposition to Applicant's motion for entry of the Board's standard protective order in this
14 opposition. The declaration was filed nearly a month after the close of briefing on the
15 pending protective order motion under the guise of it being necessary to inform the Board that
16 Mr. Lee's predecessor Ms. Toni Dembski-Brandl was no longer the "in-house attorney
17 principally responsible for this matter".

18 Mr. Lee's declaration goes far beyond the transmission of the above information and
19 instead rehashes all of the basic arguments which were set out in Ms. Dembski-Brandl's
20 earlier declaration. There was simply no need for this restatement.

21 More to the point, the key information as to whether Ms. Dembski-Brandl had moved
22 to a management position at Target was not included in the declaration. Such a later move by
23 any of the attorneys who now seek access to Applicant's confidential information raises the
24 possibility of the confidential information being later used to affect corporate decisions which
25 could be competitively damaging to Applicant.

1 Applicant requests that the Board enter an order striking the declaration of
2 Stephen C. Lee, Esq. and that it not be considered in connection with a decision to be
3 rendered on Applicant's motion for entry of the Board's standard protective order.

4 Dated this 28th day of September 2005.

5 Respectfully submitted

6 CHRISTENSEN O'CONNOR
7 JOHNSON KINDNESS^{PLLC}

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9 _____
10 James R. Uhler, Registration No. 25,096
11 Attorney for Applicant Shaun N.G.
12 Hughes

13 CERTIFICATE OF FILING

14 I hereby certify that Applicant's Motion to Strike the Declaration of Stephen C. Lee, Esq. is being
15 electronically filed via the ESTTA system at the Trademark Trial and Appeal Board, U.S. Patent
16 and Trademark Office on the below date.

17 Date: September 28, 2005

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20 CERTIFICATE OF SERVICE

21 I hereby certify that on the 28th day of September, 2005, a true copy of Applicant's Motion to
22 Strike the Declaration of Stephen C. Lee, Esq. was served via email and first class mail delivery to:

23 Michael A. Norwick, Esq. @ mnorwick@lowenstein.com

24 Lowenstein Sandler PC
25 65 Livingston Ave.
26 Roseland, NJ 07068-1791
27 Attorney for Opposer, Target Brands, Inc.

Executed on September 28, 2005.


